

CITY OF BELMONT
PLANNING COMMISSION

ACTION MINUTES

TUESDAY, FEBRUARY 6, 2007, 7:00 PM

Chair Parsons called the meeting to order at 7:00 p.m. at One Twin Pines Lane, City Hall Council Chambers.

1. ROLL CALL

Commissioners Present: Parsons, Horton, Frautschi, Mayer, McKenzie, Mercer, Wozniak
Commissioners Absent: None

Staff Present: Community Development Director de Melo (CDD), Associate Planner Walker (AP), Zoning Technician Gill (ZT), City Attorney Zafferano (CA), Recording Secretary Flores (RS).

2. AGENDA AMENDMENTS - None

3. COMMUNITY FORUM (Public Comments) - None

4. CONSENT CALENDAR

4A. Minutes of December 5, 2006

CDD de Melo stated that Commissioner Mercer had provided some edits for the Minutes, which will be included by RS Flores. Regarding item 4B, "Revised Resolution, Zoning Ordinance Amendments, Administrative Floor Area Exceptions," CDD de Melo noted that there was one additional change to Section 4.2.10.E. The finding that read:

"The addition would not result in the removal of any protected trees or require excessive grading as described below:

- 300 or more cubic yards of combined cut/fill or
- 2,000 or more square feet of disturbed site area"

has been added for the 350 sq.ft. interior administrative exception type to have that identical language.

MOTION: By Vice Chair Horton, seconded by Commissioner Mercer, to accept the Action Minutes of December 5, 2006, as modified.

Ayes: Horton, Mercer, Mayer, Frautschi, McKenzie, Wozniak, Parsons
Noes: None

Motion passed 7/0

4B. Revised Resolution and Conditions of Approval for a Single-Family Design Review – 525 Kingston Avenue

AP Walker summarized the staff Memorandum, recommending that the Commission adopt the revised resolution and conditions of approval for the project.

MOTION: By Commissioner Mercer, seconded by Commissioner Frautschi, to adopt the Resolution approving Single-Family Design Review for 525 Kingston Street (Appl. No. 2005-0051) with the modification that the driveway requires upgrade from blacktop to any other material of choice.

Ayes: Mercer, Frautschi, Mayer, McKenzie, Wozniak, Horton, Parsons

Noes: None

Motion passed 7/0

Chair Parsons stated that this item may be appealed to the City Council within 10 days.

5. PUBLIC HEARINGS:

5A. Public Hearing – 2505 Buena Vista Avenue

To consider a Single Family Design Review to add 599 square feet of living area to the existing 1,494 square foot single-family residence for a total of 2,093 square feet that is below the zoning district permitted 2,580 square feet for the site.

(Appl. No. 2006-0097)

APN: 043-282-150; Zoned: R-1B (Single Family Residential)

CEQA Status: Categorical Exemption per Section 15303

Applicant: JC Engineering

Owner: Tim Bussiek

ZT Gill summarized the staff report, recommending approval with the conditions attached. He noted that the project was originally advertised as 599 square feet but has been revised to show the additional floor area as 572 square feet.

Discussion ensued regarding the depth of the crawl space and the below-grade aspects of the room. CDD de Melo noted that if the project is approved, construction-related drawings will be created according to UBC requirements. ZT Gill clarified that the drawings of the kitchen depict the remodeled portion of the kitchen. Commissioner Mercer raised questions about door and head clearance with regard to the spiral staircase. Staff noted that the Building Official did not note any concerns with the staircase, which will also need to conform to UBC requirements.

Commissioner McKenzie felt that the front door opening into the dining room was awkward.

Responding to the Commissioner Frautschi's questions regarding the contention that the house does not have a living room or dining room, ZT Gill stated that it appears to staff that at one time the dining room may have been a living room but the area by the kitchen looks more like a vestibule than a functional dining room or living room. Commissioner Frautschi asked if there were other homes built in Belmont in 1953 without dining rooms and living rooms. CDD de Melo stated that they have not had any other projects come before them where that condition existed, but that the issue is what the resulting floor plan would be.

Tim Bussiek, owner, and Javier Chavarria, engineer, introduced themselves. Mr. Chavarria, stated that the existing house is 3-bedroom, 1 bath house which is not very sufficient for the owner, and that the existing space is not a full living room, not a full dining area and the proposed addition is in the unfinished area in the basement within the confines of the building envelope. It does not add any addition to the footprint or change the exteriors, except for 3 new windows proposed for the new living room in the existing basement. The reason for choosing the spiral staircase was primarily because adding a conventional staircase would worsen the situation and waste space. Mr. Bussiek confirmed that the house was built in 1953 and purchased by him in 2003, adding that they want to have more dining and living room space and want to have the living room closer to the garden area and further away from the street.

Responding to questions from Commissioner Frautschi, Mr. Bussiek stated that they have been "making do" with the present living area, knowing when they purchased the house that there was potential space in the basement. They made the choice to provide only one covered and one uncovered parking spaces because the way the house is built is consistent with the 1953 style, and if they were to add another garage space it would take away from the whole façade of the front and it would look more like a garage than a house. He added that there is plenty of parking on the street and that in today's age you do not want to add cars but want fewer cars. The intent was to not add more concrete and take away more grass and open space. Also, they do not foresee the need for more cars as their family is not growing. Responding to Commissioner McKenzie, Mr. Bussiek stated that the upstairs area will become the dining room, the kitchen will be larger and there will be more windows. The basement will be used as a living area, and could be called a "family room."

MOTION: By Commissioner Wozniak, seconded by Commissioner Frautschi, to close the Public Hearing. Motion passed.

Commissioner Wozniak noted that the floor plan is not conventional but sees nothing wrong with having the living room on the lower floor. The question of parking spaces is fine for now.

Vice Chair Horton did not see any violations and concurred that the family should be able to choose how they want to live in their home.

Commissioner Frautschi stated that homes built in 1953 had dining rooms and living rooms, even though they might not be sufficient for the applicant. He disagreed with Director de Melo's statement that the resulting floor plan is what has to be considered. He felt that by doing that they give away the definition. He quoted from Code 2.16 which states that "dens, studies or other rooms that are capable of being used for sleeping quarters that contain a closet or with a closet

where a closet could be added shall be considered bedrooms.” The house currently has 3 bedrooms and, in his opinion, a living room and a dining room, and they’re adding another room, which he defines as a bedroom. The purpose of the code as presently written is to deal with properties such as this—5,000-square-foot lots with one-car garages. He found parking to be cramped on the street during school hours. He believed that this particular property triggers 8.1.4 of the code about the parking conditions. The applicant might call it a living room but it has the potential to be a bedroom, maybe not by this applicant but by someone who follows him. His recommendation was that if they do not deny the project they at least continue for some sort of redesign.

Commissioner Mayer had looked at this application as the owner trying to come up with a workable solution to their problems and he thought that, given the circumstances of the existing house, they did a fairly decent job. He had no real problem with it.

Chair Parsons felt that the front door opening into the dining room did not make sense. He agreed with Commissioner Frautschi that there is an adequate living room and dining room and that adding another room downstairs has a potential for being a bedroom. If they called it a rec room it would qualify as a bedroom. He could not support the project as submitted.

Responding to Commissioner McKenzie’s question as to why he assumes the new room is a bedroom, Commissioner Frautschi read from code 2.16 of the Belmont Zoning Ordinance: “Any room at least 70 sq.ft. or more in area in a residential structure that is not a kitchen, dining room, living room or bathroom. Dens, studies or other rooms which are capable of being used for sleeping quarters that contain a closet or to which a closet could be added shall be considered bedrooms.” He added that, in this case, they’re calling it a dining room in order to try to qualify for the first part of it but in order to accept their definition you have to say that the house currently does not have a dining room. If they called it a bedroom it would automatically trigger the parking standard.

CDD de Melo clarified that any room except kitchens, bathrooms, living rooms and dining rooms are considered bedrooms. The issue at hand is the entry space that includes the dining/living area. The project plans label the space as a large entry area and a dining room. He stated that when staff first saw the plans they had concerns about the use of the space on the ground floor. They believed that they are constrained by the current ordinance definition for a) bedroom and b) the parking trigger based upon the floor plan that was presented to staff. If they were to use this living room as sleeping quarters it would then create the 4th bedroom for this home requiring the parking upgrade. They included a condition relative to a deed restriction mandating the use of this space as a living room. If this property owner or any future property owner wanted to use this space as a bedroom they would have to come into compliance with the upgrade ordinance.

Chair Parsons said he is having problems with playing word games with labeling the rooms. The house was built with a living room and dining room and was advertised in the multiple listing as a 3-bedroom 1- bath house with a 1-car garage and a living room and dining room. He believed this is an attempt to get around the building codes and that the 560 square feet could easily be a living room and a bedroom and that a shower could easily be added to the downstairs bathroom.

CDD de Melo stated that it is obvious that this is a case of creative labeling and that the applicant and the architect have read and understand the codes and the upgrade ordinance.

Vice Chair Horton wanted to make sure that the applicant understood that the deed restriction could impair a sale of their property in the future.

CA Zafferano asked if there were plans on file for the house. ZT Gill responded that there were none that they could find in the building permit files.

CDD de Melo explained the struggle staff had with arriving at their recommendation, noting that it is difficult for them to judge people and to try to ascertain what someone's future intentions will be, either this property owner or any future property owner. The site at the entry and the dining room and the quasi living room area is labeled as a large dining area and a large entry area. They believed they were hampered by the existing configuration, the proposed configuration, and the words of the code that give passes to these 4 rooms.

Chair Parsons expressed concern about setting a precedent in the neighborhood and felt that they should be hard and fast on this issue.

Commissioner Mayer asked if a dining *area* is the same as a dining *room*. CDD de Melo posed the question as to whether the dining room and living room area could logically be used as a bedroom on its own. Chair Parsons replied that it could not, but that it could be converted back into a living room because there's a fireplace and bookcases in it – it looks like a living room. He believes that, under current code, the house has a living room and a dining room, so the addition is now a bedroom.

After hearing their comments, Commissioner Wozniak concurred with Chair Parsons and Commissioner Frautschi, and was concerned about the possibility of setting a precedent and weakening the parking ordinance.

Commissioner McKenzie felt it would be a code enforcement kind of precedent to accept a plan like this because there are numerous properties in Belmont on sides of hills that lend themselves to this kind of building under the back of the house.

MOTION: By Commissioner Frautschi, seconded by Commissioner Wozniak, to continue the Single-Family Design Review for 2505 Buena Vista Avenue (Appl. 2006-0097) to date uncertain.

Ayes: Wozniak, Frautschi, Mayer, McKenzie, Mercer, Horton, Parsons

Noes: None

Motion passed 7/0

5B. Public Hearing – 904 Ruth Avenue (Continued to date uncertain)

To consider a Single Family Design Review of a 592-sq.ft. ground floor addition at the rear of an existing 1,530 sq.ft. single story dwelling. The resulting total of 2,122 sq. ft. is below the maximum zoning district permitted of 2,932 sq. ft. for the site.

(Appl. No. PA 2006-0080)

APN 044-141-140; Zoned R-1C (Single-Family Residential)

CEQA Status: Categorical Exemption per Section 15301

Applicant/Owner: Lai Ping Sam

6. NEW BUSINESS

6A. Priority Calendar Spring 2007

CDD deMelo outlined the role of the Commission as Advisors to Council and summarized the objectives. Ballots were completed – final results will be forwarded to City Council.

7. REPORTS, STUDIES AND UPDATES:

CDD de Melo reported as follows:

7C. 2900 Hallmark – 7-Lot Subdivision

He spoke to the architect for 2996 Hallmark. They are going to make some amendments to the 1982 landscape plan, which will include 3 Coast Redwoods on the corner. A revised landscape plan will be presented to the Commission and the Homeowners' Association. He has not heard from 2976 Hallmark, and will give them one more letter before reverting to code enforcement fines.

7B. Belmont Entry Sign

He spoke to the Adam Politzer, Director of Parks & Recreation. They are working with the Eagle Scouts on a joint project and plan to come up with a sign that will model the other entry points of the City. They are getting scopes, bids and designs and hope to turn it into a community project.

7A. Motel 6 – 1101 Shoreway Road

The Police Department met with the head of security in mid-January. The level of incidents is starting to go down. They are at 7 days a week and the Police Department is more active there. Will keep on agenda and will get some numbers for January/February.

Commissioner Frautschi asked staff to pull the CUP files on Avante, U-Haul and Blockbuster and agreed to check the plantings at those locations for compliance.

Vice Chair Horton reported that the \$2.50 Cleaners has put in landscaping and drip irrigation. CDD de Melo noted that staff needs to provide the Commission and Council the administrative sign approval for this property.

Commissioner McKenzie asked the status of the Chevron station that was demolished. CDD de Melo said that they continue to talk to the property owner about the redevelopment of that entire section of land.

Vice Chair Horton provided details on the Forum's monthly meeting, which was to be held the following day.

CITY COUNCIL MEETING OF TUESDAY, FEBRUARY 13, 2007

Liaison: Commissioner Wozniak
Alternate Liaison: Commissioner Parsons

8. ADJOURNMENT:

The meeting was adjourned at 9:03 p.m. to a regular meeting on Tuesday, February 20, 2007, at 7:00 p.m. in Belmont City Hall.

Carlos de Melo
Planning Commission Secretary

*CD's of Planning Commission Meetings are available in the
Community Development Department.*

Please call (650) 595-7416 to schedule an appointment.